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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,700	10/03/2000	Birgitte Hansen	36636-166652	1109
26694	7590	03/17/2004	EXAMINER	
VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			HORTON, YVONNE MICHELE	
		ART UNIT	PAPER NUMBER	
		3635		

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/647,700	HANSEN ET AL.
	Examiner	Art Unit
	Yvonne M. Horton	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7, 10 and 14 is/are rejected.
- 7) Claim(s) 8,9 and 11-13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 October 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Withdrawal of Allowable Subject Matter

The indicated allowability of claims 3,5 and 6 is withdrawn in view of a more careful review of the reference to SE374578. Rejections based on the newly cited reference(s) follow.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the interior glazing profile member must be clearly shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 details that the top end of the cap structure is "dismountably retained" solely by the upper covering cap; however, it is not clear how the cap is "dismountable"

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- solely or “retained” solely. If it is both “dismountably retained” how can a member be dismounted and retained. It appears that it would be one or the other.

Also, it does not appear that the member is “dismountably retained” solely by the upper covering cap because the upper covering cap seems to be retained not only by upper member 32 but also by connection member 22 (joggled connection member), page 7, inserted under the lower end of the upper cap 20. Further, the specification says that the connection member 22 forms grooves 22a providing a pressure relief chamber and is also connected by screws 29, page 8.

Page 8 also details that the upper cap member 20 is secured by a connection 23 and at its upper end by upper covering 32. Thus, it is not clear how the cap 20 is dismountably retained “solely” if connection member 23, grooves 22a, screws 29, and upper covering 32 secures the cap member. Clarification and correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7,10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swedish Patent #374578, herein reference as SE374578. SE374578 discloses a window (10) including a top (23,24) and a bottom (23,24), connected parallel sides (25), and a pane (26); wherein the top/bottom (23,24) and the sides (25) are covered by covering members (12-15). The assembly further includes engaging and securing means (20,21) for connecting the covering members (12-15) to the top/bottom (23,24)

and side (25) members. The covering members (12-15) include an upper covering cap (16c), and interior glazing profile (30,41), an exterior covering member (13), and a cap (16a,b), (14), (15) that extends between the top and bottom (23,24) members and overlapping the glazing profiles (30,41), see figure 8, and the covering member (13), see figure 1 where (14) and (15) covers (13). The cap structure has a top end (16a,b) and a bottom end, as at (14) and (15) wherein the top end (16a,b) is dismountably retained solely by the upper covering (16c) because the top end (16a,b) is integral with the upper covering (16c). The cap structure is formed with at the bottom end with a bent hidden engaging means (B) that snap engages with an engagement means (EM, 40) secured at the lower end thereof, see the marked attachment. SE374578 discloses the basic claimed window except for, without a translation, explicitly detailing that the frame members are made from wood. From the drawings, it would have been obvious to one having ordinary skill in the art that the hatch lines used to represent the frame members of SE374578 are representative of members made from wood.

Regarding claim 2, as shown in figures 1 and 7, the main frame is a pivot sash wherein the upper covering (16c) covers the upper frame member (23,24) and the exterior cover (13) and the cap members (14,15) covers the side members (25) of the frame. In reference to claim 3, the window has a pivot axis (PA) halfway between the top and bottom members (23,24) and the cap structure has an upper cap (16a,b) a short distance from the upper end of a lower cap member (14,15) and the lower cap member (14,15) placed on either side of the pivot axis (PA) and provided with securing means (34,36,SM) secured to fittings (19,28,42), see figure 3, on the side frame members (25).

Regarding claim 4, the engagement means (EM,21,40) includes an engagement bracket (21) parallel to the cap member (16a,14), see figure 8, wherein the bracket (21) has a hole (note labeled) for receipt of a pin fastener (F) in to the side member (25). SE374578 does not teach a keyhole; however, keyhole apertures are old and very well known in the art. Hence, it would have been obvious to one having ordinary skill in the art to provide the assembly of SE374578 with a keyhole aperture in order to provide the window assembly the ability of the cover to be adjusted for mounting purposes. In reference to claim 5, the securing means includes holes (unlabeled), and the fittings (19,F) are screws. Regarding claim 6, screw fittings (19,F) are connected with a swing fitting (20,21) with the main frame. In reference to claim 7, the cap structure includes at least one cap member (16a-c,14,15) which are flat U-shaped members that covers the glazing profile (30,41) and the exterior cover (13). Regarding claim 10, the lower cap (13) has a bottom wall (BA) and two side walls (S), see the marked attachment. In reference to claim 14, the covering members (12-15) are secured by screws (19,F). SE374578 discloses the basic claimed structure except for the use of a plastic bushing. Although bearing bushings are not disclosed; however, bearing members are old and well known in the art to use bearing bushings with fasteners in order to aid in the members having a firm a connection therebetween.

Allowable Subject Matter

Claims 8,9 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 1/21/04 have been fully considered but they are not persuasive. In response to the applicant's argument that SE374578 does not disclose the top end of the cap structure that extends between the top and bottom members dismountably retained solely by an upper cap member; the examiner has rewritten her rejection to more clearly define her position. The cap structure includes a top ends (16a,b) and (14,15) that extends between the top and bottom frame members (23,24) wherein the cap (16a,b) and (14,15) are dismountably retained solely by portion of the cap (16c) that is formed integral therewith the side portions (16a,b) and (14,15).

Regarding the applicant's argument that the examiner had a misconception of the bent hidden portion, the rejection has been rewritten to better clarify her position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YMH
March 16, 2004

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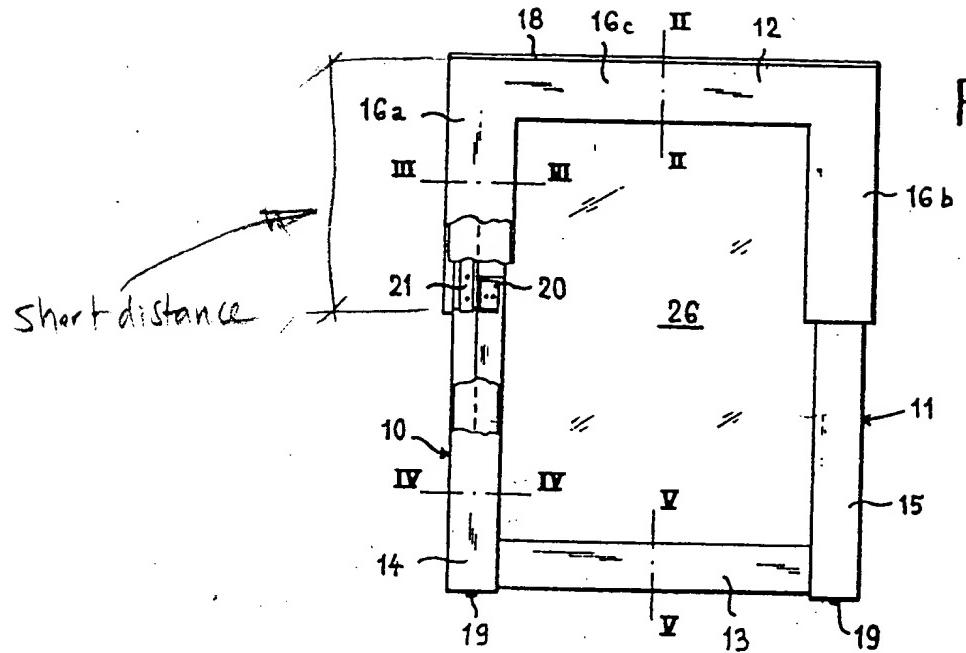


FIG. 1

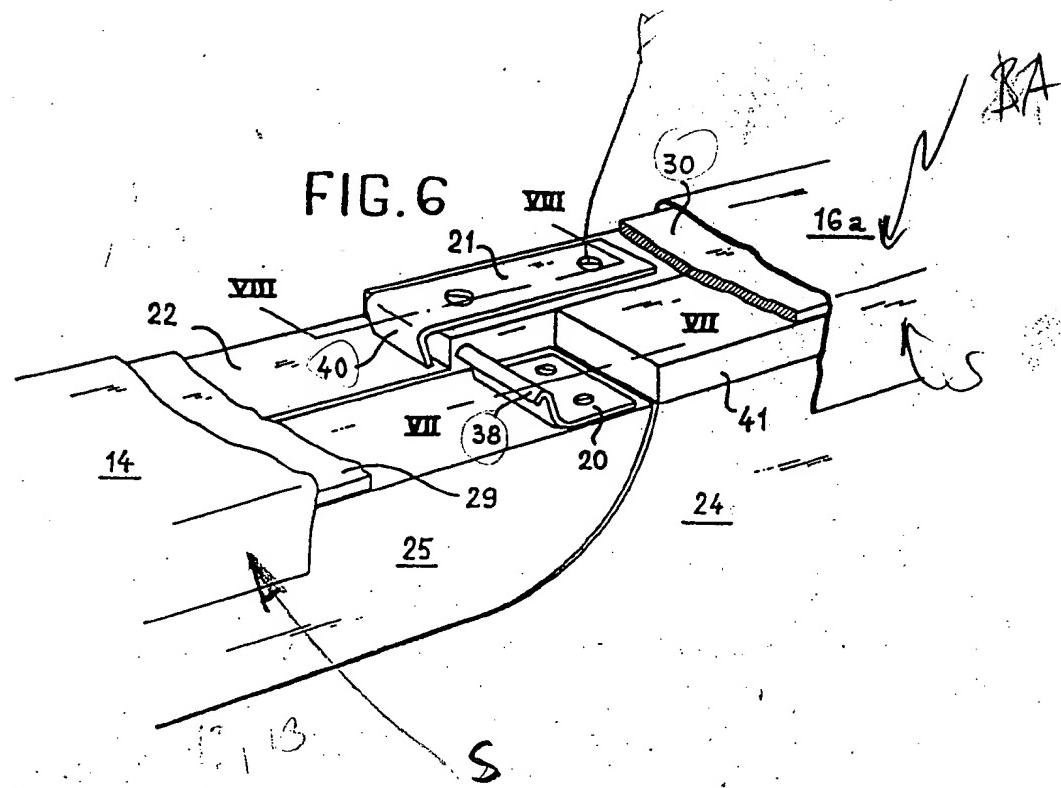


FIG. 7

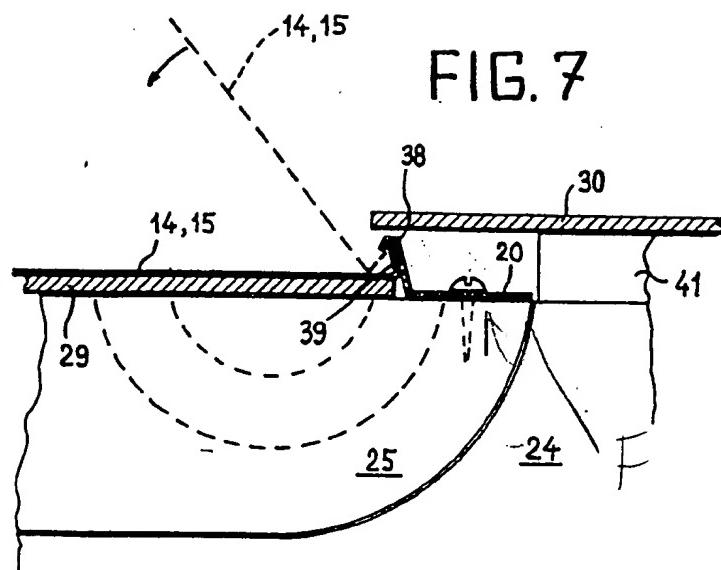
CONTACT
AREA

FIG. 8

